IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4124 OF 2006

Revansiddha @ Bapu Gurusidhappa Loni ..Applicant

Versus

The State of Maharashtra ..Respondent

Shri Rajiv Patil with V.V.Purwant for the applicant.

Shri Rajesh More APP for the State.

Mr.B.D.Joshi for Original Complainant.

Coram : R.S.Mohite,J

Date : 12.01.2007.

PC

1. This is a 2nd application for grant of bail. By my reasoned order dated 20.6.2006 I have rejected the bail of the present applicant. The deceased was a nephew of the present applicant. The statement of his mother indicates that there was a quarrel as regards the property since the father of the deceased who was the real brother of the applicant had expired. Incidents of quarrel just 3 days preceding the date of the incident are referred to. I have noted in the order that there was a strong motive to do away with the deceased. The present applicant was last seen together at 7.30 p.m. on 29.5.2005 by the 2 witnesses, i.e. servant Satish and driver Kadri. Thereafter the dead body of the deceased was found 200 k.m. away. Statements of

Satish & Kadri indicate that the present applicant returned back on the same evening and informed them as in case anybody enquired about the whereabouts of Rajesh, they should say that they do not know it. Another ground for rejecting bail was that the present applicant was seen alongwith co-accused from whom there is a discovery of knife.

2. It was sought to be contended that when the matter was last decided, an order dated 28.4.2006 passed by Justice Kanade J releasing co-accused by name Basavraj was not shown to me. This Basavraj is the real brother of the present applicant. On perusing the earlier application, I find that there is a ground made out relating to the release of Basavraj on bail. My re-collection is that the said order was in fact shown to me. It was argued that in any case, there were other subsequent events which amount to change of circumstances. My attention was drawn to the order passed in the case of a co-accused Navnath by Justice Dharmadhikari, J. My further attention was drawn to another order dated 22.12.2006 granting bail to one Ambadas Talathi. Counsel for the applicant sought to contend that the role attributed to the present applicant was at the highest on par with Ambadas who has been granted bail on 22.12.2006. In this regard, I find that the material against Ambadas as well as Navnath is based upon the FIR lodged by the

mother of the deceased. On reading the relevant portion from the FIR, it appears that the version given by her is not of her own knowledge. The case of the hired killer is on different footing. As far as present applicant is concerned, there is no change of circumstances as in the earlier order reasoned orders on merit is passed. Application is therefore, rejected.

(R.S.Mohite,J)